



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



October 10, 2003

**LETTER OF DEFICIENCY  
WET 2003-35**

Charles Kalil  
RR 1, West Side Road  
North Conway, NH 03082

RE: DES Wetlands File #2003-01897 Wadsworth Drive, Dummer

Dear Mr. Kalil:

On September 23, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Dummer Tax Map U1 as Lot 32 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. Installation of a 20' x 18" culvert within a jurisdictional wetland without a permit from DES;
2. Approximately 100' x 75' feet of scrub-shrub wetland was cleared and grubbed to construct a road and convert the wetland into agricultural use.

In response, you are requested to take the following actions:

1. **By October 31, 2003**, submit an after-the-fact standard dredge and fill application (enclosed) to DES to retain the culverts and convert the scrub-shrub wetland to agricultural use.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

October 10, 2003

Page 2 of 2

Linda Magoon  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Linda Magoon at (603) 271-4056 or by e-mail at [lmagoon@des.state.nh.us](mailto:lmagoon@des.state.nh.us).

Sincerely,

 **COPY**

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

enclosure: dredge and fill application

CERTIFIED MAIL 7002 3150 0001 5411 2149

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit ✓  
Craig Rennie, DES Wetlands Bureau  
Dummer Conservation Commission  
Dummer Board of Selectmen  
David Killoy, USACOE